

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:11-CV-00694-BR

RANDY L. THOMAS,)
and as father, next of friend, natural guardian,)
and on behalf of A.T.T.,)
)
Plaintiffs,)
)
v.)
)
RONALD CHAPMAN, et al.,)
)
Defendants.)

ORDER

This matter is before the court on the 19 February 2013 Memorandum and Recommendation of U.S. Magistrate Judge James E. Gates (“M&R”) recommending that this action be dismissed because the complaint fails to state a claim upon which relief may be granted and that all pending motion be denied as moot. (DE # 33.) Plaintiffs had until 5 March 2013 to file written objections to the M&R. (*Id.* at 7.) Plaintiffs did not file any objection by this date. On 19 March 2013, plaintiffs filed a motion to “enjoin defendants.” (DE # 34.) Out of an abundance of caution, the court will consider this filing as lodging objection to the M&R, and therefore, the court undertakes a *de novo* determination of the M&R, see 28 U.S.C. § 636(b)(1). The court hereby adopts the M&R as its own. All pending motions are DENIED as moot, and this case is DISMISSED. The CLERK is DIRECTED to close the case.

This 22 March 2013.



W. Earl Britt
Senior U.S. District Judge